

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

LA MAR GUNN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CA. No.: 09C-04-102 FSS
	)	<b>E-FILED</b>
SELECT PORTFOLIO	)	
SERVICING, INC. and	)	
U.S. BANK NATIONAL	)	
ASSOCIATION,	)	
Defendants.	)	
	)	

**ORDER**

**Upon Plaintiff's, *pro se*, Motion for Reconsideration of  
Commissioner's Non Case-Dispositive Order – *DISMISSED***

1. On August 17, 2010, Plaintiff, now *pro se*, filed the above-captioned motion, denominated:

Attorney's Motion to Withdraw  
R e c o n s i d e r a t i o n    o f  
Commissioner's Order Notice of  
Appeal of Findings of Fact and  
Recommendations Motion to  
Seal.

2. On August 27, 2010, Mr. Shachtman filed a letter in response to Mr. Gunn's motion. The court has reviewed the letter. Although Mr. Shachtman makes the point that his substantial fees and Mr. Gunn's substantial arrears cover a

broad range of legal representation, the dismissal of Mr. Gunn's motion is based entirely on Superior Court Civil Rules 132 and 12, as explained next.

3. The motion is subject to dismissal for two reasons. First, it does not appear that Mr. Gunn has caused a transcript of the proceedings before the Commissioner to be prepared, nor has he requested approval to submit an agreed upon statement of facts. A transcript or statement of facts is required under Superior Court Civil Rule 132(a)(3)(iii). In this situation that is more than a formality. Without a transcript, the court cannot tell what lead to the order. Thus, the court cannot evaluate the Commissioner's decision. Second, the motion is laced with immaterial and impertinent matter, in violation of Superior Court Civil Rule 12(f).

4. In summary, as to the Rule 12(f) violation, although the motion asks for reconsideration of an order issued by the Commissioner, the motion begins with a diatribe about the ways Mr. Gunn believes that the presiding judge has mistreated him and erred from the case's outset. After dressing-down the presiding judge, the motion airs grievances that Mr. Gunn has with the other side. Interspersed throughout Mr. Gunn's grievances are reasons why Mr. Gunn believes Mr. Shachtman should not be allowed to withdraw as Mr. Gunn's counsel. That question, Mr. Shachtman's withdrawal, is what the Commissioner addressed, and it is the only basis for the motion for reconsideration.

5. Although the motion implies that Mr. Gunn disagrees with the Commissioner's order, the motion does not specify which of the Commissioner's findings of fact are clearly erroneous, on what error of law the order rests, or a specific way in which the Commissioner abused his discretion. Thus, the motion provides no basis for review under Rule 132.

For the foregoing reasons, the August 17, 2010 Motion for Reconsideration is **DISMISSED**, without prejudice to Mr. Gunn's ordering the required transcript within ten days of this order's date, and to Mr. Gunn's filing a new motion that is on point and not impertinent, within ten days of the transcript's receipt. As to that, Mr. Gunn is now on notice that the court will docket, but not respond to further gratuitous insults. Mr. Gunn is free to disagree. But, if he wants to be heard by the court, he must be civil about it. Meanwhile, the Commissioner's order is in force.

**IT IS SO ORDERED.**

Date: August 30, 2010

/s/ Fred S. Silverman  
Judge

oc: Prothonotary (civil)  
cc: Douglas A. Shachtman, Esquire  
Margaret F. England, Esquire  
La Mar Gunn, *pro se*